

PETITION FOR SPECIAL EXCEPTION 85-208 XSPH

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for service garage with limited used car sales at 6504 Frederick Road, Baltimore County.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Address

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Address

City and State

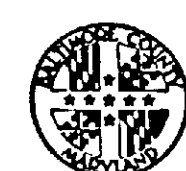
Attorney's Telephone No.:

ORDERED By The Zoning Commissioner of Baltimore County, this 18th day of December, 1984, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 31st day of January, 1985, at 1:30 o'clock P.M.

Zoning Commissioner of Baltimore County.

(over)

\$100.00 filing fee- Baltimore County



County Board of Appeals of Baltimore County
Room 200 Court House (Hearing Room #216)
Towson, Maryland 21204
(301) 494-3180
April 10, 1985

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79

CASE NO. 85-208-XSPH

MELVIN KABIC

NE corner Frederick Rd. and N. Prospect Ave. (6504 Frederick Rd.)

1st District

XSPH-Service garage w/limited used car sales at 6504 Frederick Road; approval of a limited used car sales operation as an accessory use.

2/15/85 - Z.C.'s Order - GRANTED w/restrictions

ASSIGNED FOR:

THURSDAY, AUGUST 1, 1985, at 10 a.m.

STRUCK APPEARANCE 4-15-85

cc: Howard Klein, Esq.

Melvin Kabic

Ron Bremer

Frank Falter

Phyllis C. Friedman

Norman Gerber

James Hoswell

Arnold Jablon

Jean Jung

James Dyer

M. Spicer, Jr., Esq.

D. Sachse, Esq.

Julean Bauman, Jr.

Attorney for Petitioner

Petitioner

Protestant

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People's Counsel

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PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 507.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve use of the subject property as a service garage with limited used car sales (of a number to be determined at hearing) at 6504 Frederick Road.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Address

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Address

City and State

Attorney's Telephone No.:

ORDERED By The Zoning Commissioner of Baltimore County, this 18th day of December, 1984, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 31st day of January, 1985, at 1:30 o'clock P.M.

Zoning Commissioner of Baltimore County.

(over)

\$100.00 filing fee- Baltimore County

Case No. 85-208-XSPH

Item No. 154

Date: March 11, 1985

NE Corner Frederick Road and North Prospect Avenue (6504 Frederick Road)
1st Election District
Melvin Kabic, Petitioner

- ☒ 1. Copy of Petition
- ☒ 2. Copy of Description of Property
- ☒ 3. Copy of Certificate of Posting (one sign)
- ☒ 4. Copy of Certificates of Publication
- ☒ 5. Copy of Zoning Advisory Committee Comments
- ☒ 6. Copy of Comments from the Director of Planning
- ☒ 7. Planning Board Comments and Accompanying Map
- ☒ 8. Copy of Order to Enter Appearance
- ☒ 9. Copy of Order - Zoning/Deputy Zoning Commissioner
- ☒ 10. Copy of Plat of Property
- ☒ 11. 200' Scale Location Plan
- ☒ 12. 1000' Scale Location Plan
- ☒ 13. Memorandum in Support of Petition
- ☒ 14. Letter(s) from Protestants(s)
- ☒ 15. Letter(s) from Petitioner(s)
- ☒ 16. Protestants' Exhibits 1 to 1
- ☒ 17. Petitioners' Exhibits 1 to 2N
- ☒ 18. Letter of Appeal

Howard S. Klein, Esquire
401 Washington Avenue, Suite 502
Towson, Maryland 21204
Petitioner

Mr. Melvin Kabic
3711 Gardenvue Road
Baltimore, Maryland 21208
Protestant

Mr. Ron Bremer
20 Maple Drive
Baltimore, Maryland 21228
Protestant

Mr. Frank Falter, President
Paradise Community Association
115 North Symington Avenue
Baltimore, Maryland 21228
Protestant

Phyllis C. Friedman, Esquire
Norman E. Gerber
James Hoswell
Arnold Jablon
Jean M. H. Jung
James E. Dyer
People's Counsel
Request Notification
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" "
" "

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
PETITION FOR SPECIAL HEARING : OF BALTIMORE COUNTY
NE Corner Frederick Rd. and North Prospect Ave. (6504 Frederick Rd.), 1st District :
MELVIN KABIC, Petitioner : Case No. 85-208-XSPH

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman

Phyllis Cole Friedman
People's Counsel for Baltimore County

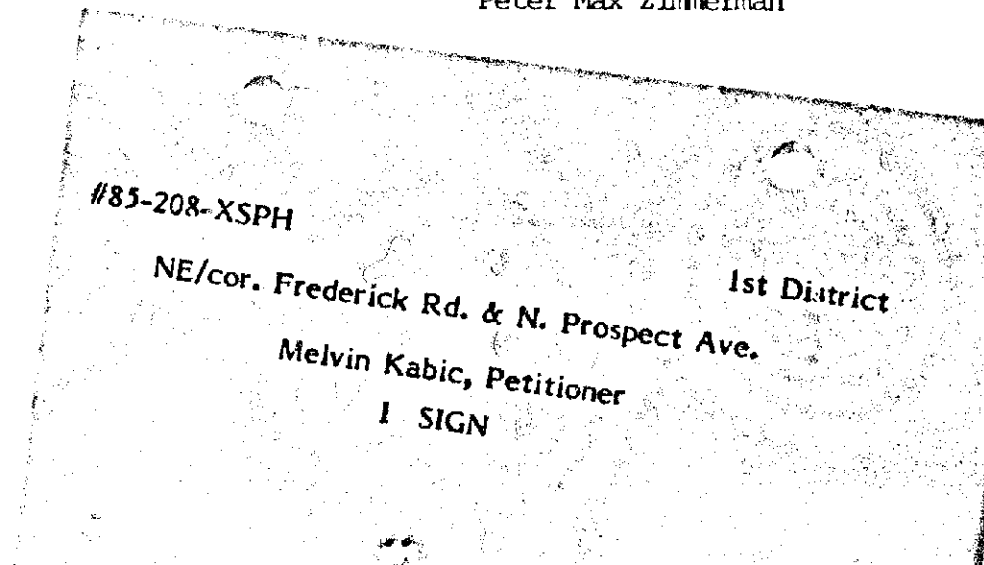
Peter Max Zimmerman

Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 2nd day of January, 1985, a copy of the foregoing Entry of Appearance was mailed to Howard S. Klein, Esquire, 401 Washington Ave., Suite 502, Towson, MD 21204, Attorney for Petitioner.

Peter Max Zimmerman

Peter Max Zimmerman



72 N. Prospect Avenue
Catonsville, Md. 21228
January 24, 1985

Mr. Jablon:

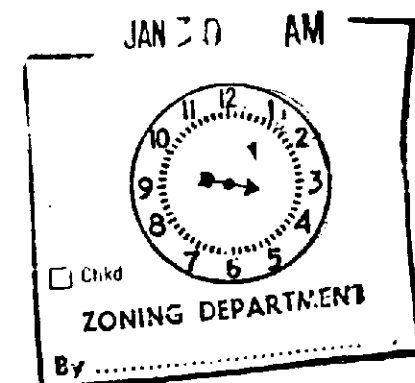
I am a long-time (49 years) resident of the North Prospect Avenue neighborhood and am very distressed about the proposed used car lot to be constructed on the corner of North Prospect Avenue and Frederick Road.

This has always been a quiet residential area, and it seems rather incongruous to place a used car lot beside a supermarket. A parking lot for the supermarket would seem more appropriate.

If I am unable to attend the hearing on the 31st, accept this as one concerned neighbor's protest and concern.

Sincerely yours,

Julean J. Bauman Jr.



County Board of Appeals of Baltimore County

Room 200 Court House

Towson, Maryland 21204

(301) 494-3180

HEARING ROOM #218

May 8, 1985

NOTICE OF POSTPONEMENT AND REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79

CASE NO. 85-208-XSPH

MELVIN KABIC

FOR: SE - SERVICE GARAGE W/LIMITED USED CAR SALES

SPH - FOR APPROVAL OF A LIMITED USED CAR SALES OPERATION AS AN ACCESSORY USE

NE CORNER FREDERICK ROAD AND NORTH PROSPECT AVENUE

1st DISTRICT

2/15/85 - Z.C. GRANTED W/RESTRICTIONS

Scheduled for hearing on Thursday, August 1, 1985 at 10 a.m. has been CHANGED and set for an earlier date at the request of Petitioner and agreed to by Appellant - case now

ASSIGNED FOR: TUESDAY, JUNE 11, 1985 at 10 a.m.

cc: Melvin Kabic

David W. Billingsley

Ron Bremer

Frank Falter, President

Paradise Community Assn.

Julean J. Bauman, Jr.

Phyllis C. Friedman

Malcolm Spicer, Jr. Esq.

Douglas Sachse, Esq.

Norman E. Gerber

James G. Hoswell

Arnold Jablon

James E. Dyer

Jean M. H. Jung

Petitioner

Engineer

Protestant

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Edith T. Eisenhart, Adm. Secretary

85-208-XSPH

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 18th day of December, 1984.

ARNOLD JABLON

Zoning Commissioner

Petitioner Melvin Kabic

Petitioner's Attorney Howard S. Klein, Esquire

Received by

Nicolas B. Commodari

Chairman, Zoning Plans Advisory Committee

NEW PLAT FILED 4-15-85

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the requirements of Section 502.1 of the Baltimore County Zoning Regulations

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

January 18, 1985

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

000
Nicholas B. Commodari
Chairman

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Howard S. Klein, Esquire
401 Washington Avenue
Suite 502
Towson, Maryland 21204

RE: Item No. 154 - Case No. 85-208-XSPH
Petitioner - Melvin Kubic
Special Hearing & Special Exception

Dear Mr. Klein:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

In view of your client's proposal to convert the existing building to a service garage operation with limited used car sales, this combination hearing is required.

The site plan should be revised to satisfy the comments of the State Highway Administration. In addition, since the comments from Mr. Mike Flanigan, Department of Traffic Engineering were not available at this time, you should contact him at 494-3554 and discuss the proposed layout of this site.

In addition, if the petition is granted, the setback of the "display area" and method of maintaining this setback (8' required) must be indicated on the revised plans.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,
Nicholas B. Commodari
NICHOLAS B. COMMODARI, Chairman
Zoning Plans Advisory Committee

NBC:bsc
Enclosures
cc: Hudkins Associates, Shell Bldg., Towson, Md. 21204

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

January 25, 1985

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #154 (1984-1985)
Property Owner: Melvin Kubic
W/E cor. Frederick Rd. and N. Prospect Ave.
Acres: 0.23
District: 1st

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

All improvements, intersections, entrances, drainage requirements and construction affecting a State Road right-of-way are subject to the standards, specifications and approval of the Maryland State Highway Administration in addition to those of Baltimore County.

North Prospect Avenue is an existing road, which shall ultimately be improved as a 30-foot curb and gutter street on a 50-foot right-of-way.

As no other public facilities are involved, this office has no comment.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Very truly yours,

James A. Wankle, P.E., Chief
Bureau of Public Services

JAM:EM:ROP:BS

1/31 85-208-XSPH

Maryland Department of Transportation
State Highway Administration

William K. Heilmann
Secretary
Hal Kassoff
Assistant

December 28, 1984

Mr. A. Jablon
Zoning Commissioner
County Office Bldg.
Towson, Maryland 21204

Re: Z.A.C. Meeting of
12/26/84
Property Owner: Melvin Kubic
Location: NE/cor.
Frederick Rd Rte 144
and N. Prospect Ave.
Existing Zoning: B.L.-
CNS
Proposed Zoning:
Special hearing to approve
use of the subject
property as a Service
Garage with limited used
car sales (if to be
determined at hearing) &
Special exception for
Service Garage with
limited used car sales
Acres: 0.23
District: 1st

Dear Mr. Commodari,

The existing entrances from Frederick Road are incorrectly shown on the plan. They are depressed curb type and not radius return type. There is no barrier curb between the entrances. As a result, vehicles park on the sidewalk in this area.

It is our recommendation that the west entrance be closed by extending the roadside curb, reconstructing the sidewalk and construction of a right of way line barrier curb. The plan must be revised prior to a hearing date being assigned.

The work within the State right of way must be done under permit from the State Highway Administration.

Very truly yours,

Charles Lee, Chief
Bureau of Engr. Access Permits

cc: J. Ogle
G. Wittman

My telephone number is 301-659-1350

383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-491-2042 Statewide Toll Free
P.O. Box 717/707 North Calvert St., Baltimore, Maryland 21203-0717

January 7, 1984

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500

PAUL H. REINCKE
CHIEF

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Melvin Kubic

Location: NE/Cor. Frederick Road and N. Prospect Avenue

Item No.: 154

Zoning Agenda: Meeting of 12/26/84

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.

- (X) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation. Permit required for removal of gas tanks.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

- () 6. Site plans are approved, as drawn.

- () 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWED BY: [Signature] L-775
Planning Office
Special Inspection Division
Noted and Approved: [Signature]
Fire Prevention Bureau

/mb

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211
NORMAN E. GERBER
DIRECTOR

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Zoning Advisory Meeting of 12/26/84
Item # 154
Property Owner: MELVIN KUBIC
Location: NE/Cor. FREDERICK RD. & N. PROSPECT AVE.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- () There are no site planning factors requiring comment.
- () A County Review Group Meeting is required.
- () A County Review Group meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- () This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- () A record plat will be required and must be recorded prior to issuance of a building permit.
- () The access is not satisfactory.
- () The circulation on this site is not satisfactory.
- () The parking arrangement is not satisfactory.
- () Parking calculations must be shown on the plan.
- () This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- () Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-58 of the Development Regulations.
- (X) Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- () The amended Development Plan was approved by the Planning Board on _____
- (X) Landscaping should be provided on this site and shown on the plan.
- () The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is _____
- () The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
- () Additional comments:

* SITE IS WITHIN THE PARADISE-EAST CATONSVILLE
ENHANCEMENT STUDY.

THE AREA AROUND THE LEADING DRIVE MUST BE LANDSCAPED.
THE OWNERS SHOULD CONSIDER CLOSING THE TWO (2) ENTRANCES
NEAREST THE INTERSECTION.

Eugene A. Bober
Chief, Current Planning and Development

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

January 21, 1985

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 154 -ZAC- Meeting of December 26, 1984
Property Owner: Melvin Kubic
Location: NE/Cor. Frederick Road and N. Prospect Avenue
Existing Zoning: B.L.-CNS
Proposed Zoning: Special Hearing to approve use of the subject property as a service garage with limited used car sales (number to be determined at hearing) and Special Exception for service garage with limited used car sales.

Acres: 0.23
District: 1st

Dear Mr. Jablon:

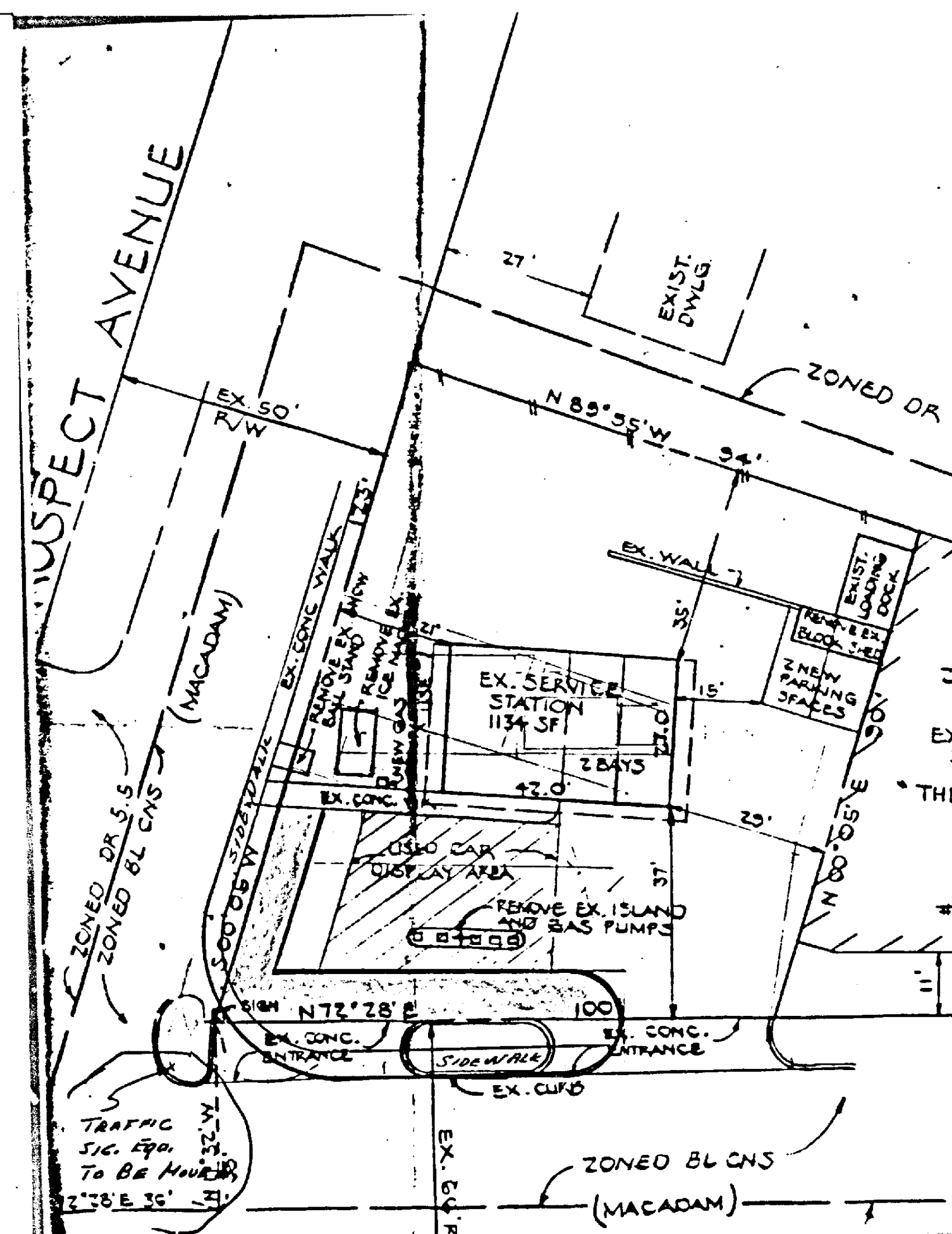
The site plan should be revised to show the rear of the site.

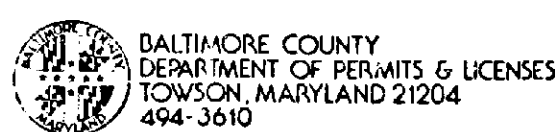
Attached is a sketch showing some requested changes to the site plan.

Michael S. Flanigan
Traffic Engineering Assoc. III

MSF/cam

Att.





January 7, 1985

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610

TO: Zoning Commissioner

FROM: Norman E. Gerber, Director

SUBJECT: Zoning Petition No. 85-208-X SpH

Comments on Item # 154, Zoning Advisory Committee Meeting are as follows:

Property Owner: Melvin Kabik
Location: 6504 Frederick Road and N. Prospect Avenue
Existing Zoning: R-1, C-1
Proposed Zoning: Special hearing to approve use of the subject property as a service garage with limited used car sales (number to be determined at hearing) and Special Exception for service garage with limited used car sales.

Acres: 0.23

District: 1st

The items checked below are applicable:

1. All structures shall conform to the Baltimore County Building Code 1981/200, all BUI, L-20 State of Maryland Code for the Building and Code, and other applicable codes. Show handicapped Code compliance.

2. A building/structure shall be required before beginning construction.

3. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is not required. Non-reproduced seals and signatures are required on Plans and Technical Data.

4. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.

5. An exterior wall erected within 6'0" for Commercial uses or 3'0" for One & Two Family use group of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'0" of lot lines. A firewall is required if construction is on the lot line, see Table 101, Line 2, Section 1107 and Table 1102, also Section 903.2.

6. Requested variance appears to conflict with the Baltimore County Building Code, Section 903.2.

7. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.

8. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that, the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 101.

9. Comments - A structure used for a motor vehicle repair shop shall be used solely for that purpose. If the two proposed uses were separated by a three hour masonry fire wall complete from footing to underside of roof the structure would then be classified as two structures, one being a repair shop, the other a used car business. They would be two separate uses Use Group S for the repair shop and "B" for the car sales business.

NOTE: These comments are a refect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room 122 (Plans Review) at 111 W. Chesapeake Ave., Towson.

Very truly yours,

Charles E. Burbanck, Chief
Plans Review

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

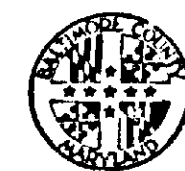
TO: Zoning Commissioner
FROM: Norman E. Gerber, Director
SUBJECT: Zoning Petition No. 85-208-X SpH

This office is opposed to the granting of the subject request. The property is located within the boundaries of the Paradise-East Catonsville Enhancement Study Area, specifically in the Paradise Study Area, (adopted by the County Council on October 4, 1982; Resolution No. 98, 7). The proposed use would not be the type of use this office would prefer in the utilization area. One of the specific objectives of the plan is to "improve the pedestrian environment for the patron" (page 3); this type of use and the proposed site plan do not contribute to this objective.

The specific site design is in conflict with the aforementioned plan. Two of the major objectives in the area are to "decrease vehicular and pedestrian conflicts" (page 6) and to improve the visual image of the area by landscaping, new paving for sidewalks, etc. (page 13). This office is of the opinion that the two (2) existing entrances closest to the intersection should be closed and that sidewalk should be provided. Finally, landscaping is required in conformance with the requirements set forth in the Baltimore County Landscaping Manual.

Norman E. Gerber, Director
Norman E. Gerber, Director

NEG:JGH:bjs



Baltimore County, Maryland

PEOPLE'S COUNSEL
RM. 223, COURT HOUSE
TOWSON, MARYLAND 21204
494-2188

PHYLIS COLE FRIEDMAN
People's Counsel

PETER MAX ZIMMERMAN
Deputy People's Counsel

March 29, 1985

The Honorable
William T. Hackett, Chairman
County Board of Appeals
Room 200, Court House
Towson, Maryland 21204

Dear Chairman Hackett:

It has come to our attention that the Zoning Commissioner has entered his appearance in the following cases:

Christian B. Anderson, et ux - #85-170-SPH (Item 116)
Elizabeth R. Baird, et al - 85-45-XSPH (Item 346)
Vincent Bertucci, et ux - 85-183-A (Item 132)
Chesapeake Fed. S & L - 85-187-A (Item 131)
Mary M. Clark - 84-311-A (Item 249)
David L. Cole, et ux - 85-2-XA (Item 290)
Eastern Yacht Club, Inc. - 85-73-SPH (Item 337)
Haugssner Family Ltd. Ptnr. - 85-83-SPHA (Item 127)
Johnson, Robert W., III - 85-185-X (Item 124)
Kabik, Melvin - 85-208-XSPH (Item 154)
McManus-Torillo Assoc., Inc. - 85-189-X (Item 127)
The Rock Rental Co., Inc. - 85-186-XA (Item 115)
Joseph H. Rosendale, et ux - 85-157-XA (Item 102)
Louis E. Tarasca, et ux - 85-232-X (Item 146)
Towson Presbyterian Church - 85-176-SPH (Item 93)

As a result of the decision in Carol Dome, et al - #85-106-SPH (Item 4), it is clear that the Zoning Commissioner has no standing and his appearance should be struck. Please consider this letter as a Motion to Strike the Zoning Commissioner's Appearance in each of the above cases. We are enclosing a copy of this letter/Motion for each file.

Very truly yours,

Peter Max Zimmerman
Deputy People's Counsel

cc: Norman E. Gerber
Arnold Jablon, Esquire
Malcolm F. Spicer, Jr., Esquire
Douglas T. Sachse, Esquire

PMZ:sh

IN RE: PETITION FOR
SPECIAL EXCEPTION AND
SPECIAL HEARING,
N.E. CORNER FREDRICK ROAD &
NORTH PROSPECT AVENUE
[6504 Fredrick Road]
1st ELECTION DISTRICT

BEFORE THE
BOARD OF APPEALS
OF
BALTIMORE COUNTY, MD.

MELVIN KABIK, Petitioner
CASE NUMBER: 85-108-XSPH

WITHDRAWAL OF APPEARANCE

Please withdraw the appearance of HOWARD S. KLEIN, Esq., on behalf of the Petitioner in the above-captioned matter. I hereby request that any and all notices be forwarded to the Petitioner, Melvin Kabik, 3711 Gardenvue Road, Baltimore, Maryland 21208.

HOWARD S. KLEIN
401 Washington Avenue
Suite 502
Towson, Maryland 21204
(301)-821-6800

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 12 day of April, 1985, a copy of the foregoing was mailed, postage prepaid, to:

People's Counsel for Baltimore Co.
Baltimore County Attorney, on
behalf of the Zoning Commissioner
Melvin Kabik.

HOWARD S. KLEIN



Baltimore County, Maryland

PEOPLE'S COUNSEL
RM. 223, COURT HOUSE
TOWSON, MARYLAND 21204
494-2188

PHYLIS COLE FRIEDMAN
People's Counsel

PETER MAX ZIMMERMAN
Deputy People's Counsel

April 19, 1985

Mr. Melvin Kabik
3711 Gardenvue Road
Baltimore, MD 21208

RE: Melvin Kabik, Petitioner
Case No. 85-208-XSPH (Item 154)

Dear Mr. Kabik:

Confirming our telephone conversation of April 18, 1985, I note the following:

1. Since you currently have no attorney of record, you have the option of choosing new counsel or proceeding on your own.

2. This office appealed the decision of the Zoning Commissioner primarily because the written comments of the Dept. of Traffic Engineering were not satisfied. We have now received a revised plan, and the Assistant Traffic Engineer is prepared to testify that it is satisfactory.

3. There were also questions raised by the Office of Planning relating to the Paradise plan.

4. We have received communications from a representative of the community, Cheryl Bianco, who has expressed concern.

A hearing is currently scheduled August 1, 1985 at 10 a.m. before the County Board of Appeals. If you are interested in an earlier hearing, please contact the Board. We would not oppose an earlier hearing.

However, we must emphasize that we cannot guarantee the outcome of the hearing and cannot be certain of the position that representatives of the community will take. We are in receipt of a letter from your engineer, Mr. Billingsley, a copy of which is attached. Because that letter might suggest that approval is automatic, it has been necessary for me to clarify that the hearing before the Board of Appeals is "de novo," that is to say, a new hearing, and the Board must be satisfied based on the evidence that the Petitioner ought to be granted. Otherwise stated, it is not automatic.

RECEIVED
COUNTY BOARD OF APPEALS
APR 23 1985

Mr. Melvin Kabik

April 19, 1985

If I can be of any further assistance, I am available to speak with you or such new attorney as you choose to retain in this matter.

Very truly yours,

Peter Max Zimmerman
Deputy People's Counsel

Enclosure

cc: County Board of Appeals
Cheryl Bianco
David W. Billingsley
Howard S. Klein, Esquire
Michael Flannigan
James G. Hoswell
Ron Erenen
Frank Falter

PMZ:sh

COLUMBIA OFFICE
WALTER PARK
Registered Surveyor
PHONE 730-9060

TOWSON OFFICE
HUDKINS ASSOCIATES, INC.
Engineers, Surveyors and
Landscape Architects
200 EAST JOPPA ROAD
ROOM 101, SHELL BUILDING
TOWSON, MARYLAND 21204
PHONE 828-9060
March 29, 1985

Mr. Peter Zimmerman
People's Counsel
Room 223, Court House
Towson, Maryland 21204

Re: 6504 Frederick Road
Election District I
Case No. 85-208-XSPH - Kabik

Dear Mr. Zimmerman:

Per our conversation on Wednesday March 27, 1985, I am forwarding six (6) copies of the site plan for the referenced project. In that the revisions requested by the Office of Traffic Engineering have been made, I am requesting that the Board of Appeals be contacted in order to establish a hearing date to approve the plan.

Thank you for your cooperation in this matter.

Very truly yours,

David W. Billingsley
David W. Billingsley

DWB:maw
cc: Melvin Kabik
Howard S. Klein
Mike Flannigan
Arnold Jablon

COLUMBIA OFFICE
WALTER PARK
Registered Surveyor
PHONE 730-9060

TOWSON OFFICE
HUDKINS ASSOCIATES, INC.
Engineers, Surveyors and
Landscape Architects
200 EAST JOPPA ROAD
ROOM 101, SHELL BUILDING
TOWSON, MARYLAND 21204
PHONE 828-9060
April 22, 1985

Baltimore County Appeals Board
Room 200
Baltimore County Court House
Towson, Maryland 21204
Attn: Mrs. June W. Holman

Re: BA 85-208X59 H
6504 Frederick Road

Dear Mrs. Holman:

On behalf of the owner of the referenced project, Mr. Melvin Kabik, I am requesting an early date be assigned before the Board of Appeals.

Thank you for your cooperation in this matter.

Very truly yours,
David W. Billingsley
David W. Billingsley

cc: Melvin Kabik
Peter Zimmerman, People's Council

Set for 9/1/85

4/22/85 Board of Appeals
agony over...
no...
Set for 9/1/85

RECEIVED
COUNTY BOARD OF APPEALS
APR 23 1985

DINENNA, MANN & BRESCHI
ATTORNEYS AT LAW
406 WEST PENNSYLVANIA AVE.
TOWSON, MARYLAND 21204
(301) 296-6820

S. ERIC DINENNA, P.A.
JAMES L. MANN, JR., P.A.
GEORGE A. BRESCHI, P.A.
ROBERT A. BRESCHI

June 4, 1985

County Board of Appeals
County Office Building
Towson, Maryland 21204

RE: Case No. 85-208-XSPH
Petition of Kabic

Dear Mr. Chairman:

Please enter my appearance on behalf of Melvin Kabic, Petitioner, concerning the above-captioned matter.

It is my understanding that certain revisions to the site plan as presented before the Zoning Commissioner had been met and have been presented to People's Counsel.

We will present these amendments to you at the time of the hearing set for 10 a.m. June 11, 1985. If you or any persons this letter is addressed to have any questions, do not hesitate to call upon me.

Very truly yours,

S. Eric Dinenna
S. ERIC DINENNA

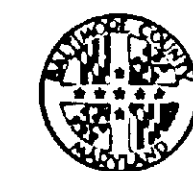
SED:bk
cc: Mr. Melvin Kabic
Howard S. Klein, Esquire
Mr. Ron Bremer
Mr. Frank Falter
People's Counsel

RECEIVED
COUNTY BOARD OF APPEALS
JUN 5 4 18 PM '85

4/10/85 - Following were notified of hearing set for Thursday, Aug. 1, 1985, at 10 a.m.

Howard Klein, Esq.
Melvin Kabic
Ron Bremer
Frank Falter
Phyllis Friedman
N. Gerber, Jr.
A. Jablon, J. Jung, J. Dyer
M. Spicer, D. Sachse
Juleen Bauman, Jr.

5/8/85 - ABOVE NOTIFIED OF CHANGE IN HEARING DATE TO TUESDAY, JUNE 11, 1985 at 10 a.m.



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 454-3180

June 20, 1985

Phyllis C. Friedman, Esquire
People's Counsel for Baltimore County
Room 223 Courthouse
Towson, MD 21204

Re: Case No. 85-208-XSPH
Melvin Kabic

Dear Mrs. Friedman:

Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

Edith T. Eisenhart
Edith T. Eisenhart, Adm. Secretary

Enclosure

cc: S. Eric Dinenna, Esquire
Melvin Kabic
David W. Billingsley
Ron Bremer
Frank Falter
Patricia Smith
Julian J. Bauman, Jr.
Malcolm Spicer, Jr., Esquire
Douglas Sachse, Esquire
Norman E. Gerber
James G. Hoswell
Arnold Jablon
Jean M. H. Jung
James E. Dyer

IN THE MATTER OF THE APPLICATION OF MELVIN KABIC FOR SPECIAL EXCEPTION FOR A SERVICE GARAGE, AND A SPECIAL HEARING FOR USED CAR SALES :
BEFORE :
COUNTY BOARD OF APPEALS :
OF :
BALTIMORE COUNTY :
NE CORNER FREDERICK ROAD AND NORTH PROSPECT AVENUE :
(6504 FREDERICK ROAD) :
1st DISTRICT :
NO. 85-208-XSPH

OPINION

The above captioned matter came on for hearing on an appeal from the decision of the Zoning Commissioner, dated February 15, 1985, granting a special exception to permit a service garage with limited use for car sales and a special hearing for approval of a limited used car sales operation as an accessory use.

With the exception of the submission of an amended site plan and updated photographs, the testimony and evidence was similar to that presented to the Zoning Commissioner.

This Board is persuaded that the facts and law enunciated in the Zoning Commissioner's Opinion and Order, dated February 15, 1985, are essentially correct. Consequently, this Board shall make but three changes in said Order. Firstly, this Board shall delete the sixth restriction contained in said Zoning Commissioner's Order as we deem same to be unenforceable as stated. However, it is to be noted that the Petitioner is and shall remain subject to all County, State and Federal zoning regulations and the violation of any such regulations subjects the Petitioner to those sanctions imposed by law. Secondly, this Board shall require the erection of an

MELVIN KABIC - #85-208-XSPH

2.

aesthetically attractive wooden fence along the rear portion of the property, and thirdly, require that the subject site be maintained free of debris and trash.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 20th day of June, 1985, by the County Board of Appeals, ORDERED that the special exception petitioned for for a service garage be and the same is hereby GRANTED, AND ADDITIONALLY, a used car sales operation as an accessory use there to is APPROVED and, as such, the petition for special hearing is hereby GRANTED from and after the date of this Order subject, however, to the following restrictions:

1. Approval by the County Review Group (CRG) or a waiver therefrom.
2. No more than ten vehicles may be exhibited at any one time in connection with the retail used car sales operation. Ten parking spaces shall be designated for this use, and no vehicles other than the used cars for sale may be parked in these spaces at any time.
3. No more than 120 retail used cars may be sold per year from this site.
4. The Petitioner shall make all books and records detailing the used car sales operation available to the Zoning Commissioner upon request to insure that the Petitioner is in compliance.
5. Under no circumstance, may any vehicle in need of repair, damaged, or disabled be kept outside of the service garage building overnight.

MELVIN KABIC - #85-208-XSPH

3.

6. If the CRG should require a revised plan, said plan must be submitted to the Zoning Commissioner for approval with a Motion to Amend the Site Plan, setting forth the reasons for the revisions, with copies to the Protestants herein and the People's Counsel. If no request for a hearing is made within ten days of said Motion, the Zoning Commissioner shall rule on the Motion without a hearing. If a hearing is requested, it will be held within 30 days from the date the Motion was filed.

7. The Petitioner shall erect a six (6) foot aesthetically attractive wooden fence along the rear portion of the property.

8. The subject property shall be maintained free of debris and trash.

Any appeal from this decision must be in accordance with Rules B-1 thru B-13 of the Maryland Rules of Procedure.

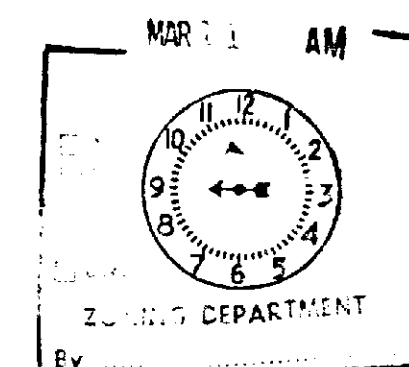
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William E. Evans
William E. Evans, Acting Chairman
Chap. Zimmerman
Chap. Zimmerman
Diana K. Vincent
Diana K. Vincent

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
PETITION FOR SPECIAL HEARING : OF BALTIMORE COUNTY
NE Corner Frederick Rd. and North Prospect Ave. (6504 Frederick Rd.), 1st District :
MELVIN KABIC, Petitioner : Case No. 85-208-XSPH

NOTICE OF APPEAL

Please note an appeal from your decision in the above-captioned matter, under date of February 15, 1985, to the County Board of Appeals and forward all papers in connection therewith to the Board for hearing.



Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 11th day of March, 1985, a copy of the foregoing Notice of Appeal was mailed to Howard S. Klein, Esquire, 401 Washington Ave., Suite 502, Towson, MD 21204, Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

IN RE: PETITIONS SPECIAL EXCEPTION AND SPECIAL HEARING : BEFORE THE
NE/corner of Frederick Road and North Prospect Avenue : ZONING COMMISSIONER
(6504 Frederick Road) - 1st : OF BALTIMORE COUNTY
Election District :
Melvin Kabic, : Case No. 85-208-XSPH
Petitioner :

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special exception for a service garage and, additionally, the approval of a limited used car sales operation as an accessory use, as more particularly described on Petitioner's Exhibit 1.

The Petitioner appeared and testified and was represented by Counsel. Testifying for the Petitioner were Mark Kabic, the Petitioner's son, and Malcolm E. Hudkins, a registered land surveyor. Ron Bremer, representing the Shady Nook Concerned Citizens Association, and Frank Falter, President of the Paradise Community Association, appeared as Protestants. A letter of protest was also received from Julian J. Bauman, Jr., see Protestants' Exhibit 2.

Testimony indicated that the subject property, zoned B-1, is and has been used as a service station for almost 40 years. The Petitioner purchased the property about one year ago and proposes to terminate the current lease and open a service garage and used car sales operation which his son would operate. After the gas station operation ceases, he intends to remove the island and pumps and install a new pump which will be for personal use, remove a snowball stand and a machine, and paint, repair, and maintain the existing 42' x 27' building which has two bays. The property is located at the corner of Frederick Road and North Prospect Avenue, and the used car sales operation would have its display area for about ten used cars along Frederick Road. Three parking spaces

ORDER RECEIVED FOR FILING
DATE 6/25/85
BY

would be provided in addition to the two spaces within the station. Mr. Kabic has owned and operated a supermarket adjacent to the site for about 36 years.

Mr. Hudkins testified that, in his opinion, the conditions as precedent in Section 502.1 of the Baltimore County Zoning Regulations (BCZR) will be satisfied and that the proposed use would be an improvement to the neighborhood because it would replace a use that has not been adequately maintained, as shown by the photographs submitted as Petitioner's Exhibits 2A through 2N.

The used car sales operation would enable the Petitioner to sell up to 240 cars per year with no more than ten cars shown at any one time. It would represent approximately 40% of the total business.

Mr. Bremer argued that the used car sales operation is not an appropriate use for the subject property and fears that there will be storage of damaged and disabled vehicles which would negate the effort being made to upgrade the area. Although Mr. Kabic's son testified that no such vehicles will be stored outside, Mr. Bremer has his doubts.

Mr. Falter requested that the three parking spaces shown on the site plan be reduced to one or two, which would permit vehicles ingressing from Frederick Road to pass by the service garage building and exit onto North Prospect Avenue. There is an existing entrance to the rear of the property which allows trucks to enter and service the Petitioner's store. Mr. Falter believes this will solve any potential traffic problems caused by cars only ingressing from and egressing onto Frederick Road. Otherwise, he does not seem to object if the restrictions listed below are imposed.

The Office of Planning and Zoning is opposed to the subject request as being in conflict with the Paradise-East Catonsville Enhancement Study Area and as being the type of use they would prefer in this revitalization area. The objection is well-founded. However, what must be considered is the present legal

use as opposed to what is proposed. If the property were vacant or if the proposed use were not better than the existing use, the merit of their position would be without fault. However, the proposed use is better and will fulfill the hopes of that study. While it is not perfect and will not be a solution to the problems perceived to be existing, it is a start in the right direction. The study, as adopted by the Baltimore County Council, is advisory and should be seriously considered before approval is determined. It has, as have the concerns raised by the Office of Planning and Zoning.

The Petitioner seeks relief from action 230.13, pursuant to Section 502.1, and an interpretation of Section 230.11 to allow a used car sales operation as an accessory use, pursuant to Section 500.7, BCZR.

It is clear that the BCZR permit the use requested by the Petitioner in a B.L. Zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined whether the conditions as delineated by Section 502.1 have been satisfied by the Petitioner.

After reviewing all of the testimony and evidence presented, it appears that the special exception as applied for should be granted with certain restrictions, as more fully described below.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioner has shown that the proposed use should be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way inconsistent with the spirit and intent of the BCZR.

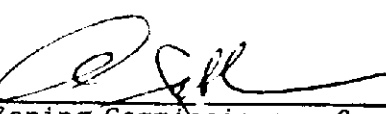
Pursuant to the advertisement, posting of property, and public hearing held, and it appearing that by reason of the requirements of Section 502.1 having been met and the health, safety, and general welfare of the community not being adversely affected, the special exception should be granted.

After due consideration of the testimony and evidence presented, it is determined that the proposed used car sales operation, as limited by the below restrictions, is accessory to the principal use of the service garage.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 15 day of February, 1985, that the Petition for Special Exception for a service garage be and the same is hereby GRANTED and, additionally, a used car sales operation as an accessory use thereto is approved and, as such, the Petition for Special Hearing is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. Approval by the County Review Group (CRG) or a waiver therefrom.
2. No more than ten vehicles may be exhibited at any one time in connection with the retail used car sales operation. Ten parking spaces shall be designated for this use, and no vehicles other than the used cars for sale may be parked in these spaces at any time.
3. No more than 120 retail used cars may be sold per year from this site.
4. The Petitioner shall make all books and records detailing the used car sales operation available to the Zoning Commissioner upon request to insure that the Petitioner is in compliance.

5. Under no circumstance, may any vehicle in need of repair, damaged, or disabled be kept outside of the service garage building overnight.
6. Pursuant to Section 500.6, BCZR, if after a public hearing it is determined that the Petitioner is in violation of this Order, the special exception granted herein shall be terminated and the used car sales operation must cease.
7. If the CRG should require a revised plan, said plan must be submitted to the Zoning Commissioner for approval with a Motion to Amend the Site Plan, setting forth the reasons for the revisions, with copies to the Protestants herein and the People's Counsel. If no request for a hearing is made within ten days of said Motion, the Zoning Commissioner shall rule on the Motion without a hearing. If a hearing is requested, it will be held within 30 days from the date the Motion was filed.


Zoning Commissioner of
Baltimore County

AJ/srl
cc: Howard S. Klein, Esquire
Mr. Ron Bremer
Mr. Frank Falter
People's Counsel

ORDER RECEIVED FOR FILING
DATE February 15, 1985
BY Shirley P. Falter
ADMINISTRATIVE ASSISTANT

PETITION FOR SPECIAL EXCEPTION
AND
SPECIAL HEARING
1st Election District

LOCATION: Northeast corner Frederick Road and North Prospect Avenue
(6504 Frederick Road)

DATE AND TIME: Thursday, January 31, 1985 at 1:30 p.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue,
Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Exception for a service garage with limited used car sales and Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the use of the subject property as a service garage, with limited used car sales (of a number to be determined at hearing) at 6504 Frederick Road.

Being the property of Melvin Kabic _____, as shown on plat plan filed with the Zoning Office.

In the event that these Petitions are granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

COLUMBIA OFFICE
WALTER PARK
Registered Surveyor
PHONE 730-9060

TOWSON OFFICE
HUDKINS ASSOCIATES, INC.
Engineers, Surveyors and
Landscape Architects
200 EAST JOPPA ROAD
FROM 101 EWELL BUILDING
TOWSON, MARYLAND 21204
PHONE: 828-9060

November 16, 1984

DESCRIPTION FOR SPECIAL EXCEPTION AND SPECIAL HEARING, 6504 FREDERICK ROAD:

Beginning for the same at a point North 72 degrees 28 minutes East 36 feet and North 17 degrees 32 minutes West 33 feet from the point formed by the intersection of the centerline of Frederick Road with the centerline of North Prospect Avenue thence
(1) North 72 degrees 28 minutes East 100 feet (2) North 00 degrees 05 minutes East 90 feet (3) North 89 degrees 55 minutes West 94 feet and (4) South 00 degrees 05 minutes West 123 feet to the place of beginning.
Containing 0.23 acres of land more or less.



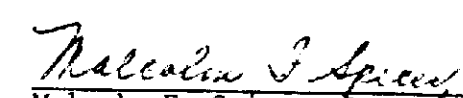
Malcolm E. Hudkins
Registered Surveyor #5095

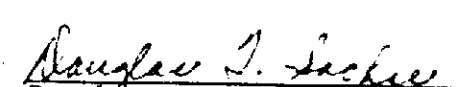
IN RE: PETITION FOR SPECIAL EXCEPTION AND SPECIAL HEARING
NE Corner Frederick Road & North Prospect Avenue
(6504 Frederick Road)
1st Election District
Melvin Kabic, Petitioner

BEFORE THE
BOARD OF APPEALS
OF
BALTIMORE COUNTY
Case No. 85-208-XSPH

Entry of Appearance

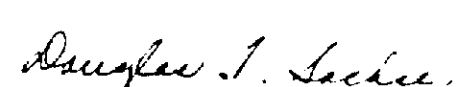
Please enter our appearance on behalf of the Zoning Commissioner of Baltimore County as a party in the above captioned matter, pursuant to Section 501.6, B.C.Z.R., and I hereby request that any and all notices be forwarded to our office, including but not limited to hearing dates and/or preliminary or final Orders.


Malcolm E. Hudkins, Jr.
Baltimore County Attorney
Old Court House
Towson, Maryland 21204
494-4420


Douglas I. Suchse
Assistant County Attorney

Certificate of Mailing

IT IS HEREBY CERTIFIED that on this 21st day of March 1985, copies of the foregoing Entry of Appearance were mailed, postage prepaid, by first class delivery to People's Counsel for Baltimore County, Petitioner(s), and or Protestant(s) in the above captioned matter.


Douglas I. Suchse
Assistant County Attorney



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

January 21, 1985

Howard S. Klein, Esquire
401 Washington Ave., Ste. 502
Towson, MD 21204

RE: Petitions for Special Exception and Special Hearing
NE Corner Frederick Rd. and North Prospect Avenue (6504 Frederick Road)
Melvin Kabic - Petitioner
Case No. 85-208-XSPH

Dear Mr. Klein:

This is to advise you that \$55.78 is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE, REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 004344


ARNOLD JABLON
Zoning Commissioner

DATE	1-21-85	ACCOUNT	85-208-XSPH
RECEIVED FROM	Melvin Kabic		
FOR	Advertising - 85-208-XSPH		
AMOUNT \$ 55.78			
VALIDATION OR SIGNATURE OF CASHIER			

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY, IN EQUITY

Plaintiff

VS.

Defendant

CERTIFICATE OF PUBLICATION OF

Office of
PATUXENT
Publishing Corp.
10750 Little Patuxent Pkwy
Columbia, MD 21044

January 10 19 85

THIS IS TO CERTIFY, that the annexed advertisement of

Petition for Variance

was inserted in the following:

- ☐ Catonsville Times
- ☐ Arbutus Times

weekly newspapers published in Baltimore County, Maryland
once a week for one successive weeks before
the 12 day of January 19 85, that is to say,
the same was inserted in the issues of

January 10, 1985

PATUXENT PUBLISHING CORP.
By *[Signature]*

Howard S. Klein, Esquire
401 Washington Avenue, Suite 502
Towson, Maryland 21204

NOTICE OF HEARING

RE: Petition for Special Exception and
Special Hearing
NE/cor. Frederick Rd. and North Prospect
Avenue (6504 Frederick Road)
Melvin Kabic
Case No. 85-208-XSPH

TIME: 1:30 p.m.

DATE: Thursday, January 31, 1985

PLACE: Room 106, County Office Building, 111 West Chesapeake

Avenue, Towson, Maryland

[Signature]
Zoning Commissioner
of Baltimore County

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 135881

DATE 11/30/84 ACCOUNT R-01-615-000
AMOUNT \$722.00

RECEIVED Howard Klein
FOR Special Exception & Special Hearing
6504 Frederick Road
Item 154 (H-616)

VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

85-208-XSPH

Date of Posting: April 3 - 85

District: 1st
Posted for: Appeal
Petitioner: Melvin Kabic
Location of property: NE/cor. of Frederick Road and Prospect Ave.
(6504 Frederick Road)
Location of Signs: Classified front window of existing building
6504 Frederick Road
Remarks: As per Data
Posted by: [Signature] Date of return: April 12 - 85
Number of Signs: 1

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

85-208-XSPH

Date of Posting: 1-14-85

District: 1st
Posted for: Special Exception and Special Hearing
Petitioner: Melvin Kabic
Location of property: NE/cor. Frederick Road and North Prospect Avenue
(6504 Frederick Road)
Location of Signs: In front window of existing gas station, facing
Frederick Road - 6504 Frederick Road
Remarks: Washed dirt outside all concrete surfaces
Posted by: [Signature] Date of return: 1-18-85
Number of Signs: 2

CERTIFICATE OF PUBLICATION

TOWSON, MD, January 10 19 85

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper printed
and published in Towson, Baltimore County, Md., appearing on
January 10, 1985.

THE JEFFERSONIAN,

[Signature]
Publisher

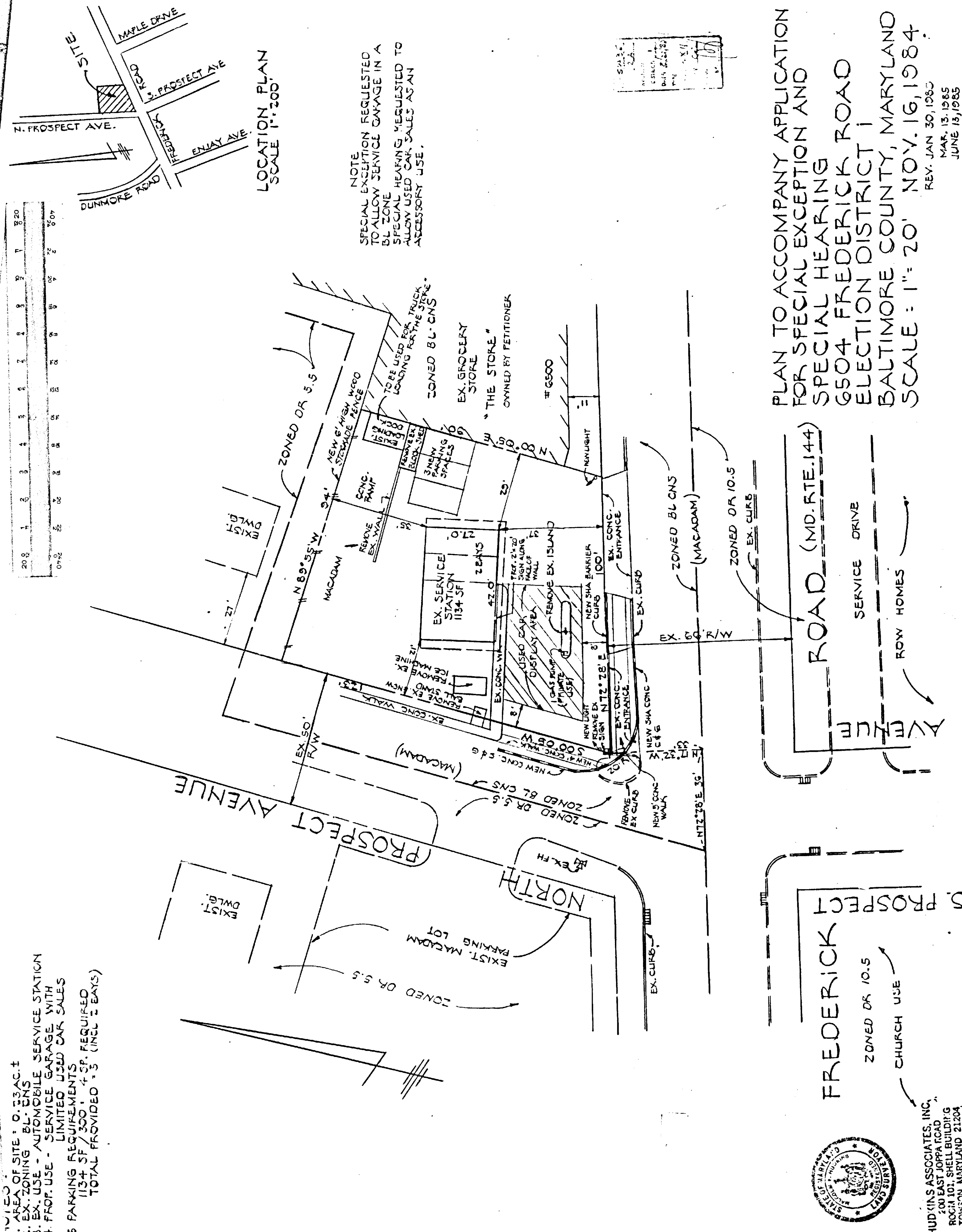
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Cost of Advertising

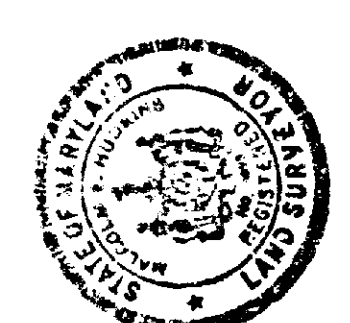
24.00

PETITION FOR SPECIAL
EXCEPTION AND
SPECIAL HEARING
at Election District
LOCATION: Northeast corner
Frederick Road and North
Prospect Avenue (6504 Frederick
Road)
DATE AND TIME: Thursday,
January 31, 1985 at 1:30 p.m.
PUBLIC HEARING: Room
106, County Office Building,
111 W. Chesapeake Avenue,
Towson, Maryland
The Zoning Commissioner of
Baltimore County, by authority
of the Zoning Act and Reg-
ulations of Baltimore County,
will hold a public hearing.
Petition for Special Excep-
tion for a service garage with
limited use and car sales and
hearing under Section
500.7 of the Baltimore County
Zoning Regulations, to deter-
mine whether or not the Zon-
ing Commissioner and/or Ex-
ecutive Zoning Commissioner
approve the use of the subject
property as a service garage,
with limited use and sales of
a number to be determined at
hearing) at 6504 Frederick
Road.
Being the property of Melvin
Kabic, as shown on last plan
filed with the Zoning Office.
In the event that these Peti-
tions are granted a building
permit may be issued within
the thirty (30) day appeal pe-
riod. The Zoning Commissioner
or will, however, entertain any
request for a stay of the is-
sue of said permit during
this period for good cause
shown. Such request must be
received in writing by the
date of the hearing set above
or made at the hearing.
By Order Of
ARNOLD JABLON,
Zoning Commissioner
of Baltimore County
Jan. 10.

1. AREA OF SITE: 0.33 AC.
2. EX. ZONING: BL. CNS
3. EX. USE: AUTOMOBILE SERVICE STATION
4. PROP. USE: SERVICE GARAGE WITH LIMITED USED CAR SALES
5. PARKING REQUIREMENTS: 1134 SF @ 300 + 4 SP. REQUIRED TOTAL PROVIDED: 55 (INCL 2 BAYS)

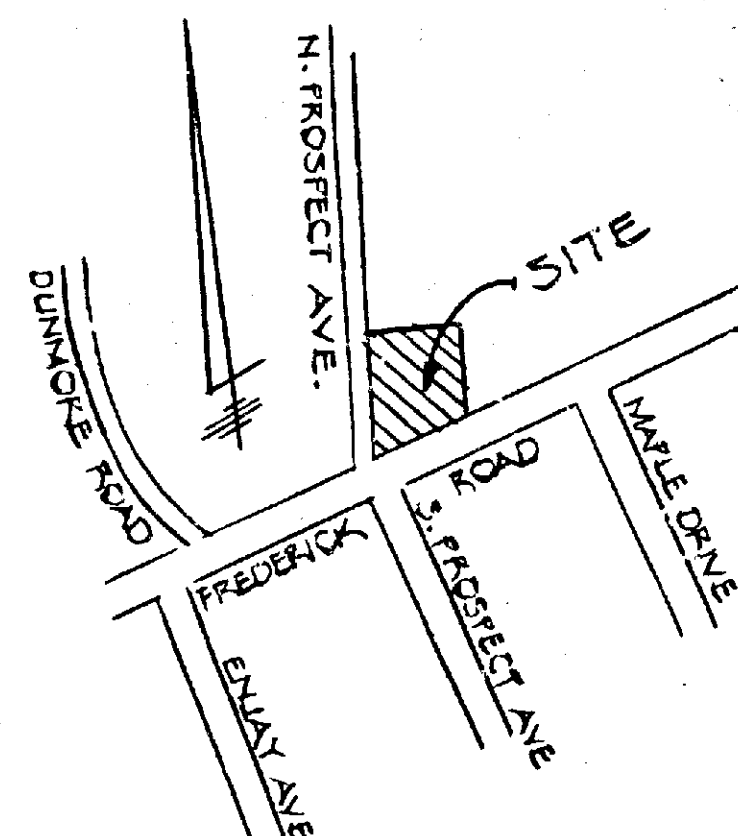


PLAN TO ACCOMPANY APPLICATION
FOR SPECIAL EXCEPTION AND
SPECIAL HEARING
6504 FREDERICK ROAD
ELECTION DISTRICT 1
BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 20' NOV. 16, 1984



HUDKINS ASSOCIATES, INC.
200 EAST JORDAN ROAD
ROCKY HILL, MARYLAND 21204

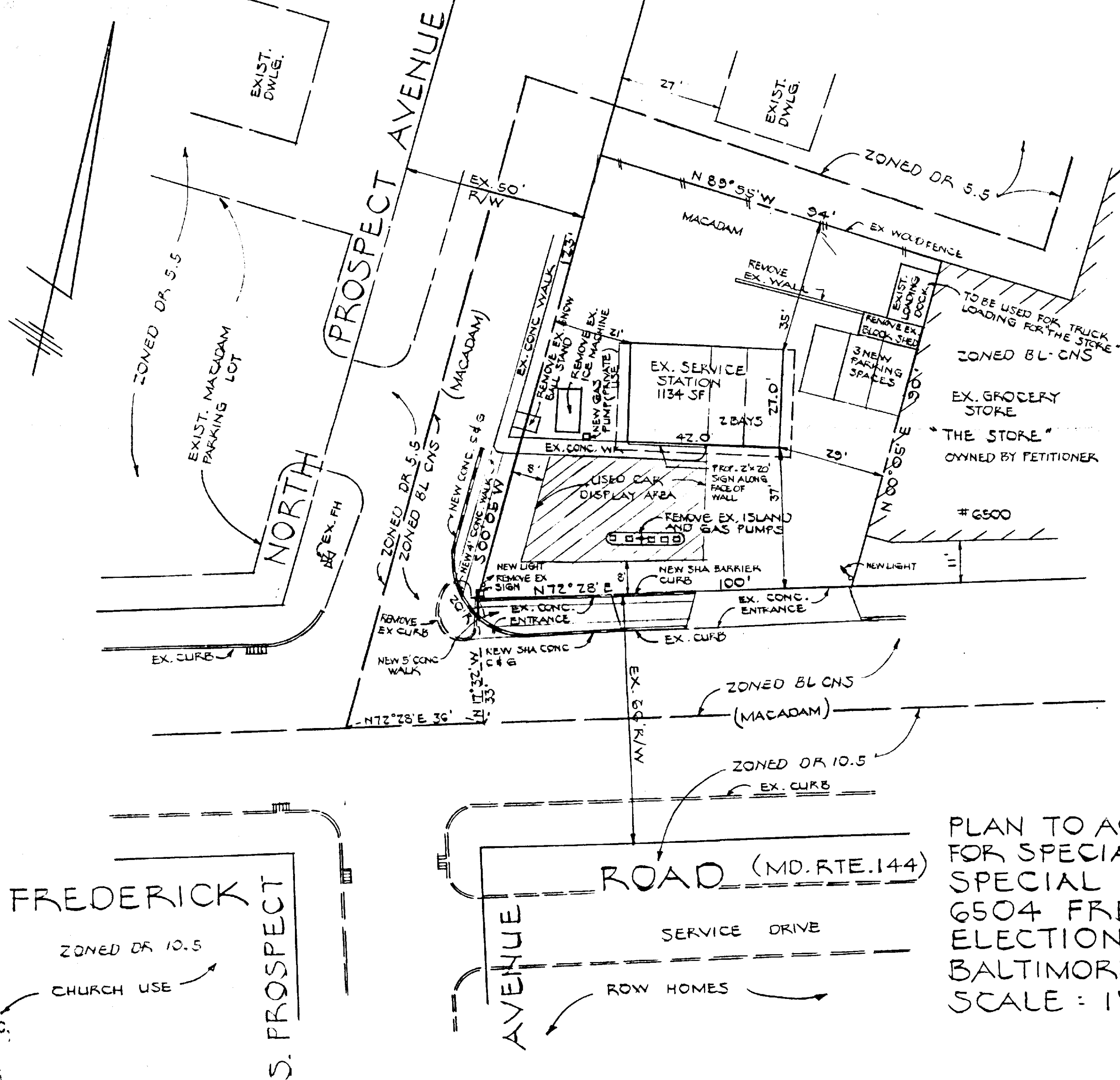
- NOTES:
1. AREA OF SITE: 0.23 AC. ±
 2. EX. ZONING: BL. CNS
 3. EX. USE: AUTOMOBILE SERVICE STATION
 4. PROP. USE: SERVICE GARAGE WITH LIMITED USED CAR SALES
 5. PARKING REQUIREMENTS: 1134 SF / 300' ± 4 SP. REQUIRED
TOTAL PROVIDED: 5 (INCL 2 BAYS)



LOCATION PLAN
SCALE 1" = 200'

NOTE
SPECIAL EXCEPTION REQUESTED
TO ALLOW SERVICE GARAGE IN A
BL. ZONE
SPECIAL HEARING REQUESTED TO
ALLOW USED CAR SALES AS AN
ACCESSORY USE.

RECEIVED
COUNTY BOARD OF APPEALS
MAY 15 P. 12:38 P



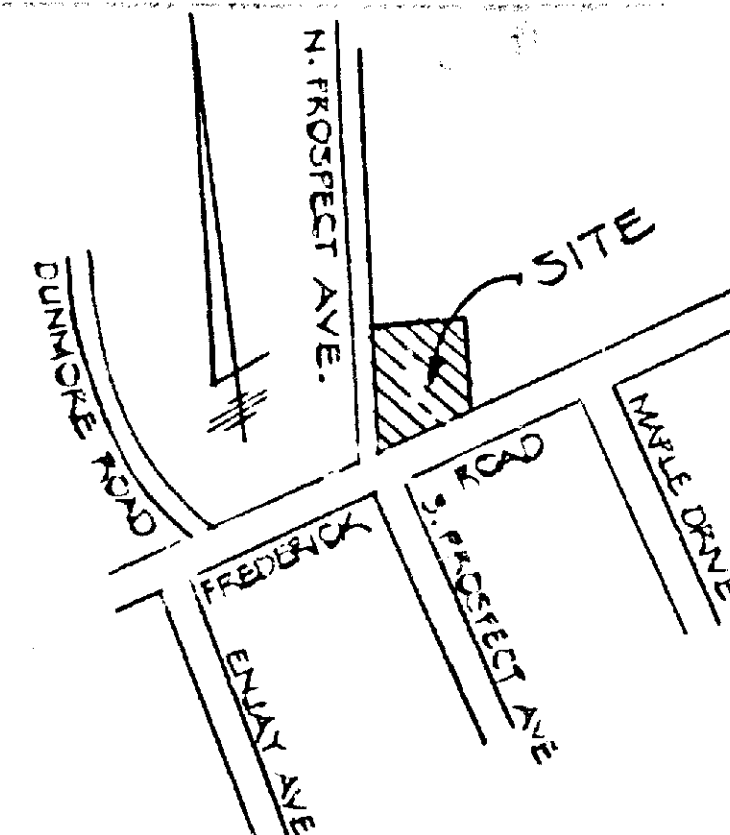
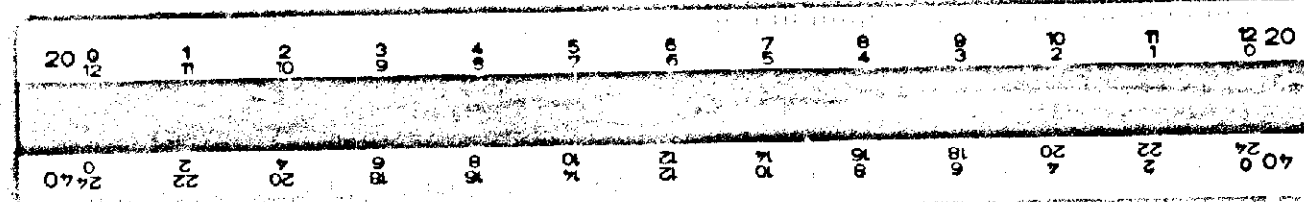
PLAN TO ACCOMPANY APPLICATION
FOR SPECIAL EXCEPTION AND
SPECIAL HEARING
6504 FREDERICK ROAD
ELECTION DISTRICT 1
BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 20' NOV. 16, 1984

REV. JAN 30, 1985
MAR. 13, 1985

B.O.A. PET. EXH #1

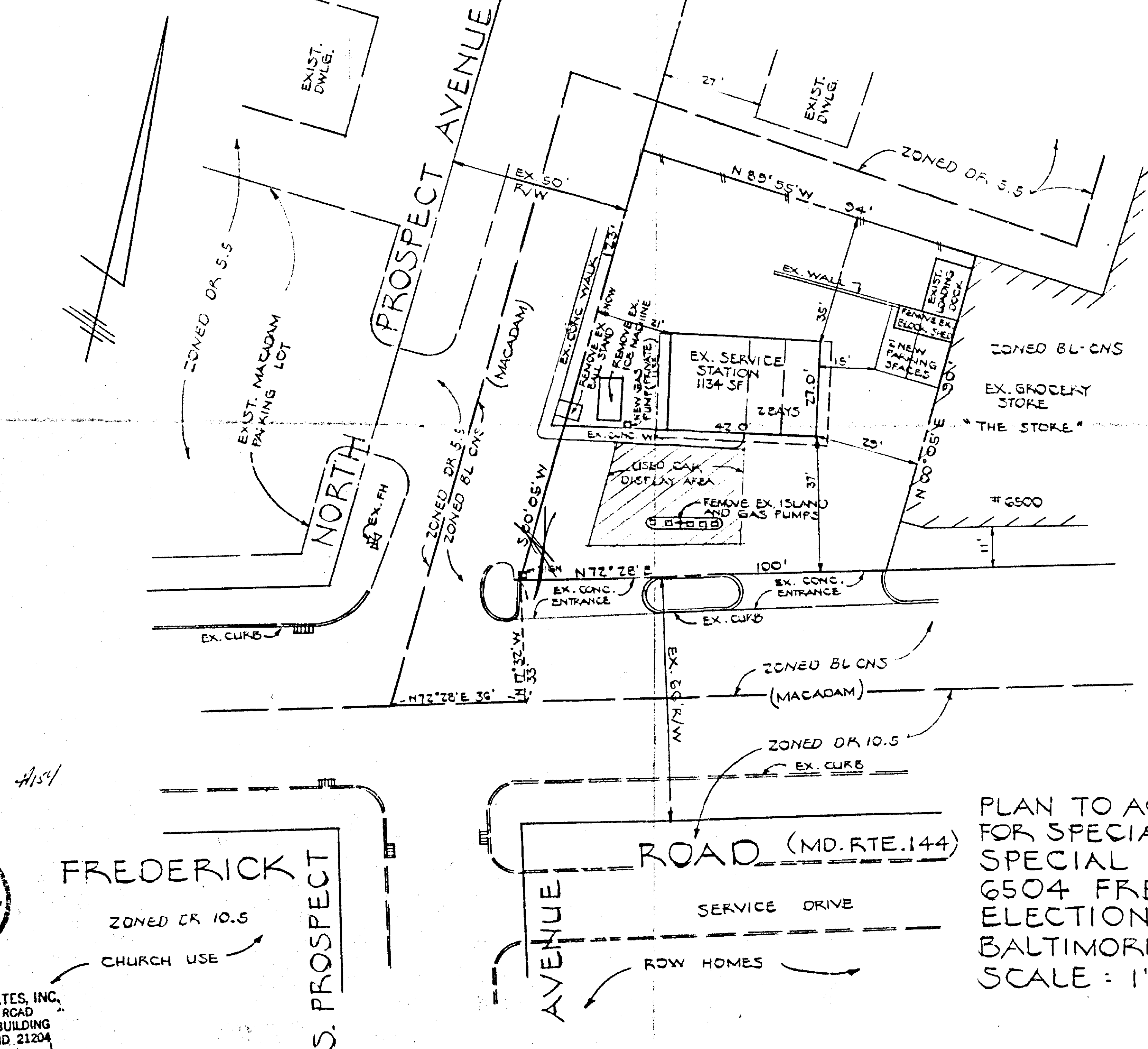
6230

- NOTES:
1. AREA OF SITE: 0.23 AC. ±
 2. EX. ZONING: BL. CNS
 3. EX. USE: AUTOMOBILE SERVICE STATION
 4. PROP. USE: SERVICE GARAGE WITH LIMITED USED CAR SALES
 5. PARKING REQUIREMENTS: 1134 SF / 300' ± 4 SP. REQUIRED
TOTAL PROVIDED: 4 (INCL 2 BAYS)



LOCATION PLAN
SCALE 1" = 200'

NOTE
SPECIAL EXCEPTION REQUESTED
TO ALLOW SERVICE GARAGE IN A
BL. ZONE
SPECIAL HEARING REQUESTED TO
ALLOW USED CAR SALES AS AN
ACCESSORY USE.

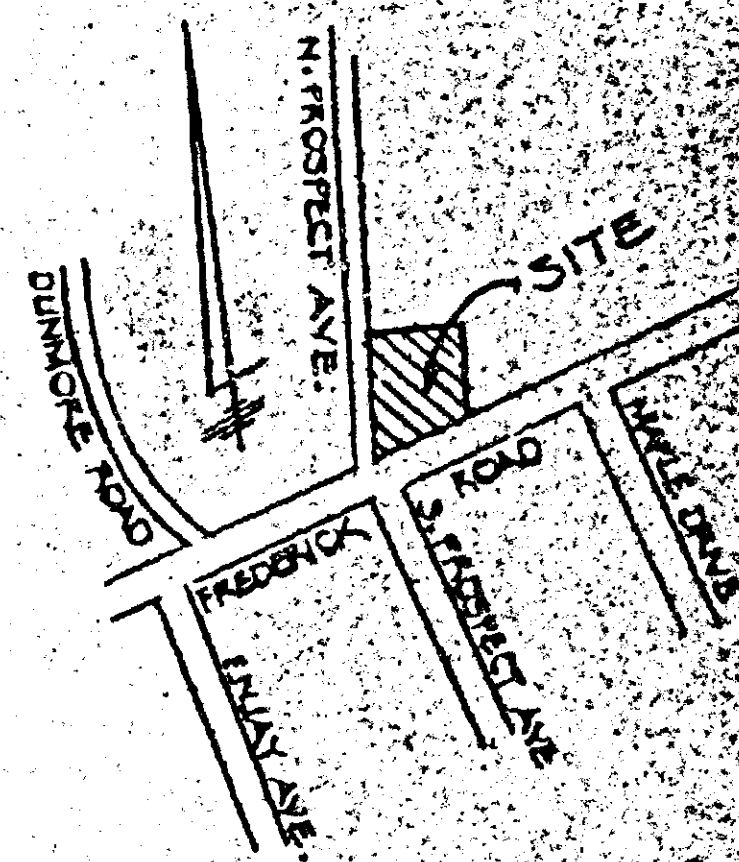


PLAN TO ACCOMPANY APPLICATION
FOR SPECIAL EXCEPTION AND
SPECIAL HEARING
6504 FREDERICK ROAD
ELECTION DISTRICT 1
BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 20' NOV. 16, 1984



HUDKINS ASSOCIATES, INC.
100 EAST JOPPA ROAD
ROOM 101, SHELL BUILDING
TOWSON, MARYLAND 21204

1. AREA OF SITE - 0.23 AC.±
2. EX. ZONING - BL - CNS
3. EX. USE - AUTOMOBILE SERVICE STATION
4. PROP. USE - SERVICE GARAGE WITH
LIMITED USED CAR SALES
5. PARKING REQUIREMENTS
1134 SF / 300 - 4 SP. REQUIRED
TOTAL PROVIDED - 5 (INCL 2 BAYS)



LOCATION PLAN
SCALE: 1" = 200'

NOTE
SPECIAL EXCEPTION REQUESTED
TO ALLOW SERVICE GARAGE IN A
BL ZONE
SPECIAL HEARING REQUESTED TO
ALLOW USED CAR SALES AS AN
ACCESSORY USE.

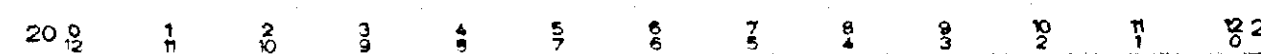
**PETITIONER'S
EXHIBIT** 1

PLAN TO ACCOMPANY APPLICATION
FOR SPECIAL EXCEPTION AND
SPECIAL HEARING
6504 FREDERICK ROAD
ELECTION DISTRICT 1
BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 20' NOV. 16, 1984

REV. JAN 30, 1985



HUDKINS ASSOCIATES, INC.
200 EAST JOPPA ROAD
ROOM 101, SHELL BUILDING
TOWSON, MARYLAND 21204



7025